

REMARKS

Claims 1-13 are pending. Claim 1 is amended. The amendment finds basis, for example, at page 1, lines 26-27.

Claims 1-13 were rejected under 35 U.S.C. § 103(a) as allegedly obvious over U.S. Patent No. 5,523,453 ("Breikss") in view of U.S. Patent No. 5,512,696 ("Kreutzer").

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in Applicants disclosure. See MPEP § 2142.

Amended claim 1 recites the use of a byproduct catalyst as comprising both iron (II) chloride and manganese (II) chloride. The Breikss patent, in contrast, teaches the use of discrete Lewis Acid compounds, selected from a laundry list of compounds including iron(II) chloride or manganese(II) chloride, but does not teach or suggest the use of a promoter mixture which is a byproduct of a method for producing titanium tetrachloride from titanium ore. It would not have been obvious to one skilled in the art that a promoter obtained as a byproduct of titanium ore chlorination would be useful in a process for hydrocyanation. One skilled in the art would question whether the byproduct promoter would not contain at least one material which could act as a catalyst poison or produce an otherwise deleterious effect on the desired hydrocyanation chemistry. Without trying the hydrocyanation experiment, it could not be assumed that the crude byproduct of a method for producing titanium tetrachloride from titanium ore would contain only desired Lewis Acid promoters and inert materials and that such byproduct promoter could be used successfully in a hydrocyanation process. Thus, the art not only fails to teach all claim limitations, there would be no expectation of success absent Applicant's blueprint. Withdrawal of the rejection is respectfully requested.

In regard to claim 2 and 3-10, which depend from claim 2, the Office has not made sufficient allegations to establish a *prima facie* case of obviousness. There is no allegation

that either Breikss or Kreutzer teaches steps (a), (b), and (c) of claim 2. Thus, there is no allegation that the cited art teaches or suggests all of the claim limitations. For at least this reason, the rejection is improper and should be withdrawn as applied to these claims.

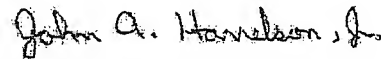
Furthermore, neither the Breikss or Kreutzer patents teach or suggest steps (a), (b), and (c) much less their combination with step (d). For at least this reason, the rejection should be withdrawn as applied to claims 2-10.

In regard to claims 12 and 13, as discussed for claim 1, there is no teaching or suggestion in the cited art to use a byproduct of titanium ore chlorination rather than a discrete Lewis acid promoter. Also as discussed above, one skilled in the art would not have an expectation of success absent Applicant's blueprint.

Applicants believe that the foregoing constitutes a complete and full response to the Office Action of record. Accordingly, an early and favorable reconsideration of the rejections and an allowance of all of pending claims is earnestly solicited.

Respectfully submitted,

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John A. Harrelson, Jr.
Registration No. 42,637

INVISTA North America S.à r.l.
Three Little Falls Centre/1052
2801 Centerville Road
Wilmington, DE 19808
Telephone: (302) 683-3316
Facsimile: 302-683-3473